



ENVIRONMENTAL FACT SHEET

Proposed Certification Decision for the Waste Isolation Pilot Plant's Compliance with EPA's Radioactive Waste Disposal Standards

INTRODUCTION

The U.S. Environmental Protection Agency (EPA) regulates the disposal of radioactive waste to protect public health and the environment from radiation exposure and contamination. This Fact Sheet describes EPA's proposal to certify that the Department of Energy's (DOE) Waste Isolation Pilot Plant (WIPP) will comply with the Agency's radioactive waste disposal standards.

The WIPP, which is under development by DOE, is a potential geologic disposal facility for transuranic radioactive waste such as contaminated clothing, rags, glassware, sludges, and equipment generated as by-products from nuclear weapons production. The WIPP is located in southeastern New Mexico, near Carlsbad, approximately 2,100 feet (½ mile) underground in excavated, natural salt formations. Some of the waste that would be disposed of at the WIPP is currently stored at Federal facilities across the United States. Most of the waste proposed for disposal at the WIPP will be generated in the future as nuclear weapons are disassembled.

LEGISLATION

EPA's regulation of the WIPP facility is governed by the WIPP Land Withdrawal Act (LWA), passed initially by Congress in 1992 and amended in 1996. The LWA requires EPA to perform several activities including: certifying whether the WIPP will comply with EPA's radioactive waste disposal regulations before waste disposal can begin; and, if DOE demonstrates that WIPP will comply with EPA's radioactive waste disposal regulations, determine whether the WIPP

continues to be in compliance with the disposal regulations every five years.

In December 1993, EPA issued final radioactive waste disposal regulations. These generally applicable standards limit radiation releases from facilities for disposal of radioactive waste.

In February 1996, EPA issued its final Compliance Criteria which implement the general disposal standards specifically at the WIPP. The Compliance Criteria clarify the requirements of the radioactive waste disposal regulations and require DOE to provide EPA with specific types of information in its "compliance certification application" (CCA).

Both the radioactive waste disposal regulations and the Compliance Criteria reflect public comments and suggestions from the WIPP Review Committee of the National Advisory Council for Environmental Policy and Technology (NACEPT).

THE PROPOSED DECISION

EPA has spent the last five years studying the WIPP and DOE's compliance documentation. Since 1992, when EPA was given the authority to determine WIPP's safety, the Agency has reviewed and commented on numerous DOE reports, analyses and computer calculations. For example, EPA extensively reviewed and commented on DOE's performance assessment conducted in 1992 and two draft CCA's before receiving the final CCA in October 1996. EPA also conducted independent modeling of various technical issues and has

obtained input from independent scientific advisory bodies, including the New Mexico Environmental Evaluation Group and the National Academy of Sciences. To date, the Agency has held 15 days of public hearings and has responded in writing to over 3,400 public comments.

EPA's evaluation of compliance was made by comparing the CCA and other relevant information - including supplementary information requested by EPA from DOE and the results of EPA's confirmatory audits and inspections -- to the Compliance Criteria. This proposed certification decision is based on EPA's conclusion that the CCA and supplemental materials satisfy the requirements of EPA's Compliance Criteria, and that the WIPP will, therefore, safely contain radio-active waste.

EPA is proposing that the certification decision be subject to conditions related to: (1) waste characterization (determining the radionuclides and other contents of waste disposal containers); (2) quality assurance (to confirm that waste characterization is done properly); (3) implementation of passive institutional controls (intended to warn future generations about the hazards of the radioactive waste buried in the WIPP); and (4) panel seals (used to contain the waste within the facility). In addition, DOE is required to report to EPA any planned or unplanned changes in the activities or conditions at the WIPP that differ from those described in the CCA. Moreover, DOE is required to immediately inform EPA of any planned or unplanned activities or conditions at the WIPP that might cause the WIPP to exceed the containment requirements of the disposal regulations.

PUBLIC INVOLVEMENT

The WIPP is a first-of-a-kind project and New Mexico citizens have expressed a great deal of interest in the safety of the site. In response to such interest, EPA has included extensive public participation opportunities throughout the rulemaking processes and will continue to do so. Numerous public meetings and comment periods as well as hearings have been held to receive the public's comments on the development of the radioactive disposal standards, WIPP Compliance Criteria, and DOE's CCA.

EPA's proposed decision is subject to a 120-day public comment period which will open immediately following publication of this proposal in the Federal Register. Hearings will be held in Carlsbad, Albuquerque, and Santa Fe, New Mexico to receive additional input from the public. All input from the public received within the specified time frame will be considered before the Agency makes its final decision.

If, after reviewing public comments, EPA concludes that the WIPP will comply with its radioactive waste disposal regulations, EPA will issue a final rule to the Secretary of Energy certifying that WIPP complies with these regulations. At that time, the Secretary of Energy would be authorized to begin emplacement of radioactive wastes in the WIPP, once all other applicable health and environmental requirements have been met. A document summarizing public comments and EPA's response will be published along with the final rule.

SUPPORTING DOCUMENTS

In addition to the proposal, EPA has developed technical documents called compliance application review documents (CARDs) to explain the basis for the Agency's decision. Additional technical support documents (TSDs) have also been developed. The CARDs and TSDs may be obtained from the EPA Air docket and most are available electronically on EPA's World Wide Web site.

FOR MORE INFORMATION

All information on EPA's decision-making processes concerning the WIPP can be obtained from any of EPA's four public dockets. Informational dockets are located in libraries in Albuquerque, Carlsbad, and Santa Fe, New Mexico. The official docket is located at EPA Headquarters in Washington, D.C.

For the latest information on upcoming public hearings and meetings, as well as the status of EPA activities regarding the WIPP, please call EPA's recorded WIPP Information Line at 1-800-331-WIPP or visit EPA's World Wide Web site at <http://www.epa.gov/radiation/wipp>.